

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:23-cv-00878-TDS-JEP**

DEMOCRACY NORTH CAROLINA, et al.,

Plaintiffs,

v.

ALAN HIRSCH, et al.,

Defendants,

and

PHILIP E. BERGER, et al.,

Intervenor-Defendants.

**DECLARATION OF GENEVA
RAMIREZ**

I, Geneva Ramirez, being competent to testify and having personal knowledge of the matters herein, state as follows:

1. I am an attorney in Steptoe LLP's Commercial Litigation Practice Group and one of the attorneys for Plaintiffs Democracy North Carolina, North Carolina Black Alliance, and League of Women Voters of North Carolina.

2. This declaration is made in support of Plaintiffs' Motion to Compel Response to Subpoena and to Authorize Alternative Service of Subpoenas. I have personal knowledge of the facts stated herein and could competently testify to them if called to do so.

3. Based on my review of public records, including the North Carolina State Board of Elections Voter Search tool (available at <https://vt.ncsbe.gov/RegLkup/>), Cleta Mitchell resides at 139 National Drive, Pinehurst, North Carolina 28374. A true and correct printout of Mitchell's profile accessible through the North Carolina State Board of Elections Voter Search tool (current as of January 31, 2024) is attached hereto as **Exhibit A**.

4. Based on my review of business records available on the North Carolina Secretary of State's website, the registered agent of the North Carolina Election Integrity Team ("NCEIT") is James Kermit Womack Jr., whose address is 1615 Boone Trail Road, Sanford, North Carolina 27330. A true and correct printout of the North Carolina Secretary of State's public records related to NCEIT, as of January 28, 2024, is attached hereto as **Exhibit B**.

5. On December 15, 2023, my colleague, Michael Dockterman, executed subpoenas for documents to be issued to Cleta Mitchell and NCEIT. True and correct copies of the subpoenas issued to Mitchell and NCEIT are attached hereto as **Exhibit C** ("Mitchell Subpoena") and **Exhibit D** ("NCEIT Subpoena").

6. On or about December 15, 2023, I retained Erin de la Cruz of the Black Dog Agency LLC to attempt service of the Mitchell and NCEIT subpoenas.

7. De la Cruz was unable to serve Mitchell. A true and correct copy of the Proof of Non-Service de la Cruz provided to me describing his attempted service on Mitchell is attached hereto as **Exhibit E**.

8. De la Cruz was unable to serve NCEIT. A true and correct copy of the Proof of Non-Service de la Cruz provided to me describing his attempted service on NCEIT is attached hereto as **Exhibit F**.

9. On or about January 2, 2023, I retained Marcus Lawing, a private investigator licensed in North Carolina, to attempt service on Mitchell.

10. Lawing was unable to serve Mitchell. A true and correct copy of the Proof of Non-Service describing his attempted service on Mitchell is attached hereto as **Exhibit G**.

11. On or about January 10, 2024, I retained the Moore County Sheriff's Department to attempt service on Mitchell.

12. The Moore County Sheriff's Department was unable to serve Mitchell. A true and correct copy of the Civil Paper Service Attempts I received from the Moore County Sheriff's Department describing Officer Delmar E. Lerma's attempts to serve Mitchell is attached hereto as **Exhibit H**.

13. On December 22, 2023, I caused a copy of the Mitchell Subpoena to be mailed to her by USPS Certified Mail, Return Receipt Requested. A true and correct copy of the USPS Certified Mail Receipt is attached hereto as **Exhibit I**.

14. According to USPS's records, the Mitchell Subpoena was served on January 2, 2024. A true and correct copy of USPS tracking records corresponding to the Mitchell Subpoena is attached hereto as **Exhibit J**.

15. To date, Mitchell has not objected to, complied with, or otherwise acknowledged the subpoena.

16. On January 8, 2024, I caused a copy of the NCEIT to be mailed to James Womack, NCEIT's registered agent, by USPS Certified Mail, Return Receipt Requested. A true and correct copy of the USPS Certificate of Mail Receipt and associated tracking records (current as of January 28, 2024) are attached hereto as **Exhibit K** and **Exhibit L**, respectively.

17. I personally searched the D.C. Bar's website on January 29, 2024, for the details of Mitchell's bar registration. A true and correct copy of the information available on the D.C. Bar's website related to Mitchell's registration is attached hereto as **Exhibit M**.

18. Mitchell's Member Details on the D.C. Bar's website show that her email address is cleta@cletamitchell.com. On January 29, 2024 at 12:40 p.m. central time, I sent a copy of the Mitchell subpoena to that email address. A true and correct copy of the email I sent to Mitchell, attaching the Mitchell Subpoena, is attached hereto as **Exhibit N**.

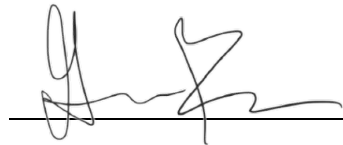
19. On January 29, 2024 at 1:03 p.m. central time, Mitchell responded, “I did not receive any such documents and have not signed any certified mail receipt for any such documents.” A true and correct copy of Mitchell’s response is attached hereto as **Exhibit O**.

20. Three minutes later, Mitchell responded again, “And I am not opening this attachment as I do not wish for you to claim (falsely) that you served it via email, just as you are claiming (falsely) that you served me via certified mail.” A true and correct copy of Mitchell’s second response is attached hereto as **Exhibit P**.

21. I responded to Mitchell shortly there after requesting confirmation regarding whether she would accept service by email. She responded, “No. You need to effect proper service which you have not done to date. No shortcuts will be agreed to[.]” Ex. P.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing Declaration is true and correct in substance and in fact to the best of my knowledge and belief.

Dated: January 31, 2024

A handwritten signature in black ink, appearing to read 'Geneva Ramirez', is written over a solid horizontal line.

Geneva Ramirez
STEPTOE LLP

*Counsel for Plaintiffs Democracy North Carolina,
North Carolina Black Alliance, and League of
Women Voters of North Carolina*

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the **Declaration of Geneva Ramirez** was served on all parties of record through the Court's electronic filing system and on the following non-parties by USPS Priority Mail and e-mail on January 31, 2024 as addressed below:

Cleta Mitchell
139 National Drive
Pinehurst, NC 28374
cleta@cletamitchell.com

North Carolina Election Integrity Team
c/o James Womack Jr. (Registered Agent)
1615 Boone Trail Road
Sanford, NC 27330
james.k.womack@gmail.com

/s/ Jeffrey Loperfido

Jeffrey Loperfido
Southern Coalition for Social Justice

*Counsel for Plaintiffs Democracy North Carolina,
North Carolina Black Alliance, and League of
Women Voters of North Carolina*